

PATENT

ATTY. DOCKET: TOPP-P7.1-US

**MARK A. GARZIA, P.C.**

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PATENT, TRADEMARK,  
COPYRIGHT AND  
RELATED MATTERS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICANT : Daniel P. Topp  
TITLE : APPARATUS FOR ERADICATING PESTS  
APPLICATION NO. : 10/651,583  
FILING DATE : August 29, 2003  
EXAMINER : David J. Parsley  
ART UNIT : 3643

TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

\* \* \* \* \*

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on August 2, 2004.

2 AUGUST 2004

Date

Mark A. Garzia

\* \* \* \* \*

**TRANSMITTAL LETTER ACCOMPANYING**  
**REPLY AND AMENDMENT PURSUANT TO 37 CFR § 1.111**

Dear Sir:

Transmitted herewith is a Reply and Amendment (17 pgs.) that is responsive to the

outstanding Office Action in the above-captioned application.

☒ Small entity status of this application pursuant to 37 C.F.R. §1.27(b) has been established.

☐ It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).

☒ Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:

<u>Extension Months(s)</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee For Small Entity</u>
<input type="checkbox"/> 1 Month	\$110.00	\$ 55.00
<input type="checkbox"/> 2 Months	\$420.00	\$210.00
<input checked="" type="checkbox"/> 3 Months	<b>\$950.00</b>	<b>\$475.00</b>
<input type="checkbox"/> 4 Months	\$1,480.00	\$740.00
<input type="checkbox"/> 5 Months	\$2,010.00	\$1,005.00

☐ A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.

☐ An Assignment (    pgs.) is enclosed.

☐ Assignment Cover Sheet (1 pg.)

☐ An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 (    pgs.) is enclosed.

☐ Form PTO-1449.

☐ References

☒ Fee Transmittal for FY2004 – Form PTO/SB/17 (1 pg.) is enclosed.

☒ A postage-prepaid, self-addressed postcard to acknowledge receipt of this communication is enclosed.

☐ Other

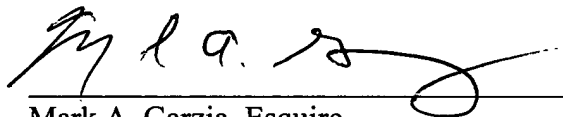
- ☐ is enclosed.
- ☐ Figure \_\_\_ with amendments marked in red ink. (1 pg.) is enclosed.
- ☐ No additional claim fee is required.
- ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_. Two copies of this transmittal are attached.
- ☐ Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_.00 to cover the extension fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication, or credit any overpayment, to Deposit Account No. \_\_\_\_\_. Two copies of this transmittal are attached.
- ☒ Credit Card Payment Form PTO-2038 in the amount of \$484.00 (\$475 for Extension of Time and \$9 for extra claim) is enclosed to cover the fee due.

Respectfully submitted,

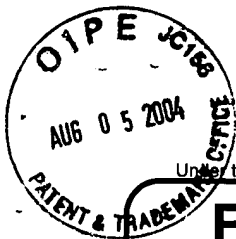
2 AUGUST 2004

\_\_\_\_\_  
Date

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\_\_\_\_\_  
Mark A. Garzia, Esquire  
Registration No. 35,517



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ ) 484.00

**Complete if Known**

Application Number 10/651,583

Filing Date August 29, 2003

First Named Inventor Daniel P. Topp

Examiner Name David J. Parsley

Art Unit 3643

Attorney Docket No. TOPP-P7.1-US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
21	-20** = 1	x 9 = 9	
3	-3** = 0	x 0 = 0	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 9

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051 130	2051 65			Surcharge - late filing fee or oath	
1052 50	2052 25			Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130			Non-English specification	
1812 2,520	1812 2,520			For filing a request for ex parte reexamination	
1804 920*	1804 920*			Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*			Requesting publication of SIR after Examiner action	
1251 110	2251 55			Extension for reply within first month	
1252 420	2252 210			Extension for reply within second month	
1253 950	2253 475			Extension for reply within third month	475
1254 1,480	2254 740			Extension for reply within fourth month	
1255 2,010	2255 1,005			Extension for reply within fifth month	
1401 330	2401 165			Notice of Appeal	
1402 330	2402 165			Filing a brief in support of an appeal	
1403 290	2403 145			Request for oral hearing	
1451 1,510	1451 1,510			Petition to institute a public use proceeding	
1452 110	2452 55			Petition to revive - unavoidable	
1453 1,330	2453 665			Petition to revive - unintentional	
1501 1,330	2501 665			Utility issue fee (or reissue)	
1502 480	2502 240			Design issue fee	
1503 640	2503 320			Plant issue fee	
1460 130	1460 130			Petitions to the Commissioner	
1807 50	1807 50			Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180			Submission of Information Disclosure Stmt	
8021 40	8021 40			Recording each patent assignment per property (times number of properties)	
1809 770	2809 385			Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385			For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385			Request for Continued Examination (RCE)	
1802 900	1802 900			Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 475

**SUBMITTED BY**

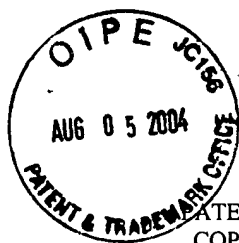
(Complete if applicable)

Name (Print/Type)	Mark A. Garzia	Registration No. (Attorney/Agent)	35,517	Telephone	610.485.9400
Signature		Date	2 AUGUST 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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TO: Commissioner for Patents  
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Alexandria, VA 22313-1450

**REPLY AND AMENDMENT**

Dear Sirs:

This Reply and Amendment is responsive to an Office Action dated February 2, 2004, in the above-captioned application. The Office Action set a shortened statutory period for response that expired on May 2, 2004. Accordingly, enclosed herewith is a Petition for Extension of Time, and the appropriate extension fee, to extend the period for response through today's date.

Please amend the application as follows: